

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>MICHAEL BELL,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>Civil Action No. 08-33 Erie</b>
	)	
<b>RAYMOND SOBINA et al.</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM ORDER**

Plaintiff's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 was received by the Clerk of Court on January 29, 2008, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

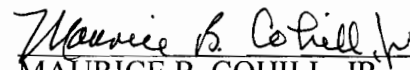
The magistrate judge's report and recommendation, filed on October 1, 2008, recommended that the Petitioner's Petition for Writ of Habeas Corpus be dismissed, that the Defendant's Motion to Dismiss be granted, and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail. No objections were filed. After de novo review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 3<sup>rd</sup> day of November, 2008, it is HEREBY ORDERED, ADJUDGED AND DECREED that the report and recommendation of Magistrate Judge Baxter, dated October 1, 2008, is adopted as the Opinion of the Court.

It is further hereby ORDERED, ADJUDGED AND DECREED that Petitioner's Petition for Writ of Habeas Corpus [Doc. #1] is DISMISSED and a certificate of appealability DENIED.

It is further hereby ORDERED, ADJUDGED, AND DECREED that Defendant's Motion to Dismiss [Doc. #18] is GRANTED.

The Clerk of Court shall mark this case CLOSED.

  
MAURICE B. COHILL, JR.  
Senior District Court Judge

cc: Susan Paradise Baxter  
U.S. Magistrate Judge

all parties of record \_\_\_\_\_